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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,204	08/23/2001	Makoto Katagishi	16869N-032600US	1190
20350	7590	09/23/2004	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			ANWAH, OLISA	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,204

Applicant(s)

KATAGISHI ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 3,5,10 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-9 and 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 6, 8 and 12-16 are rejected under 35 U.S.C § 103(a) as being unpatentable over Wang et al, U.S. Patent Application Publication No. 2002/0168987 (hereinafter Wang) in view of Dunn et al, 6,138,008 (hereinafter Dunn).

Regarding claim 1, Wang discloses a cellular phone, comprising: a time acquisition unit configured to acquire local time of a receiving end by receiving information related to local time for the receiving end from a cellular phone that is at the receiving end or a base station capable of registering the cellular phone that is at the receiving end; and a display unit configured to display the acquired local time (see abstract and Figures 1-6). Wang further teaches the acquired time can also be announced (see paragraph 0066).

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Wang fails to teach the display unit displays the acquired local time if a time zone of the local time for the receiving end differs from a time zone of a local time for the cellular phone, and does not display the acquired local time if the cellular phone and the receiving end are in the same time zone. Nonetheless, Dunn discloses an announcement unit that announces acquired local time if a time zone of the local time for the receiving end differs from a time zone of a local time for the cellular phone, and does not announce the acquired local time if the cellular phone and the receiving end are in the same time zone (col. 2, lines 20-30). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wang with the announcement unit of Dunn. This modification would have allowed useful information to be provided to a caller as suggested by Dunn and Wang.

Note: Dunn does not explicitly teach the announcement is displayed. However Examiner does not rely on Dunn to show the announcement is displayed. Wang teaches a cellular phone capable of announcing or displaying acquired time. Examiner uses Dunn to prove the acquired time is provided only when the local time of the receiving end differs from the time zone of the calling end. Hence the combination of Wang and Dunn read on the claimed limitations of claim 1.

Regarding claim 6, see abstract and Figures 1-6 of Wang.

Regarding claim 8, see abstract and Figures 1-6 of Wang.

Regarding claim 12, see abstract and Figures 1-6 of Wang.

Also see abstract of Dunn.

Regarding claim 13, see abstract and Figures 1-6 of Wang.

Also see abstract of Dunn.

Regarding claim 14, Wang discloses a method for making a call from a cellular phone comprising receiving information related to local time of a receiving end from a cellular phone that is at the receiving end or a base station configured to register the cellular phone that is at the receiving end and acquiring a local for the receiving end based on the received information and informing a user of the acquired local time (see abstract and Figures 1-6).

Wang does not teach informing a user of the acquired local time or a time zone of the acquired local time if the time zone of the acquired local time differs from a time zone of a local for a transmitting end; and performing call processing if the receiving end and the transmitting end are in the same time zone. However Dunn discloses these limitations (col. 2, lines

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20-30 and Figures 2-22). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wang with the informing and performing procedures taught by Dunn. This modification would have allowed useful information to be provided to a caller as suggested by Dunn and Wang.

Regarding claim 15, see abstract and Figures 1-6 of Wang. Also see abstract of Dunn.

Claim 16 is rejected for the same reasons as claim 14.

3. Claim 9 is rejected under 35 U.S.C § 103(a) as being unpatentable over Wang combined with Dunn in further view of Sudo et al, U.S. Patent No. 6,223,058 (hereinafter Sudo).

Regarding claim 9, Wang discloses the control unit performs a control function to display the local time of the receiving end on the display unit. Wang fails to teach an operation unit configured to select a communication mode, wherein the control unit performs a control function to display a plurality of communication modes on the display unit and to set the communication mode for the mode selected by the control unit. However Sudo discloses this limitation (see Figure 28).

Therefore it would have been obvious to one of ordinary skill in

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the art at the time the invention was made to modify Wang with an operation unit configured to select a communication mode, wherein the control unit performs a control function to display a plurality of communication modes on the display unit and to set the communication mode for the mode selected by the control unit as taught by Sudo. This modification allows a user to select setting conditions suitable for the use environment as suggested by Sudo (column 15).

4. Claims 2 and 4 are rejected under 35 U.S.C. § 103(a) as being anticipated by Rignell et al, U.S. Patent No. 5,818,920 (hereinafter Rignell) in view of Dunn.

Regarding claim 2, Rignell discloses a cellular phone, comprising a receiver configured to receive position information from a base station capable of registering the cellular phone that is at the receiving end; a time recognition unit configured to obtain the local time of the receiving end based on the received position information and a display unit configured to display the obtained local time (see Figure 3 and col. 6, line 60 to col. 7, line 65).

Rignell does not teach the display unit displays the local time if a time zone of the local time of the receiving end differs from a time zone of a local time of the cellular phone.

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However Dunn discloses this limitation (see abstract). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rignell with the time zone calculator taught by Dunn. This modification allows useful information to be presented to the caller.

Regarding claim 4, see Figure 3 and col. 6, line 60 to col. 7, line 65.

5. Claim 17 is rejected under 35 U.S.C. § 103(a) as being anticipated by Wang combined with Dunn in further view of Pepe et al, U.S. Patent No. 5,742,668 (hereinafter Pepe).

Regarding claim 17, the combination of Wang and Dunn discloses the claimed time acquisition and display units as explained in the rejection of claim 16. The Wang-Dunn combo also teaches an operation unit configured to perform a control function to display the local time of the receiving end. However this combination fails to teach the operation unit is configured to perform a control function to display a plurality of communication modes on the display unit, wherein the plurality of communication modes includes a mail mode, a message mode, a call mode, and a no-call mode, and wherein the operation unit is configured to set the communication mode selected by a user. However Pepe discloses this limitation (see Figures 23-30).

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Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Wang and Dunn with the communication modes taught by Pepe. This modification would allow a mobile communications subscriber to send and receive messages between disparate networks, messaging systems and service providers as suggested by Pepe (column 5).

Response to Amendment

6. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened

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statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah
Patent Examiner
September 19, 2004


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600